

VZCZCXRO3522

PP RUEHAG RUEHDA RUEHDF RUEHFL RUEHIK RUEHKW RUEHLA RUEHLN RUEHLZ
RUEHROV RUEHSR RUEHVK RUEHYG
DE RUEHSF #0304/01 0601452
ZNR UUUUU ZZH
P 011452Z MAR 06
FM AMEMBASSY SOFIA
TO RUEHC/SECSTATE WASHDC PRIORITY 1518
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHINGTON DC
RUEAHLA/HOMELAND SECURITY CENTER WASHINGTON DC
RUEAUSA/LABOR DEPT WASHINGTON DC
RUEATRS/DEPT OF TREASURY WASHINGTON DC

UNCLAS SECTION 01 OF 07 SOFIA 000304

SIPDIS

SENSITIVE

SIPDIS

DEPARTMENT FOR G/TIP (Donnelly), G, INL, DRL, IWI, PRM,
EUR/PGI, EUR/NCE (BRANDON)
DEPARTMENT PASS TO USAID
DOJ FOR OPDAT, ICITAP, CEOS, AND CRD

E.O. 12958: N/A

TAGS: [PHUM](#) [PREF](#) [ASEC](#) [ELAB](#) [SMIG](#) [KCRM](#) [KWMN](#) [KFRD](#) [BU](#)

SUBJECT: BULGARIA: 2006 ANTI-TRAFFICKING IN PERSONS (TIP)
REPORT

REF: STATE 3836

11. SUMMARY: This cable provides Embassy Sofia's input for the sixth annual Anti-Trafficking in Persons (TIP) report. Bulgaria is primarily a country of transit and origin, and to a lesser extent a country of destination for human trafficking. The past year has seen enhanced cooperation between law enforcement and NGOs in efforts to counter trafficking. The government has continued to implement anti-trafficking legislation and related regulations, and has begun to make use of witness protection legislation to protect victims of trafficking. Primary point of contact on trafficking is Political Officer John Senior (seniorjm@state.gov, tel: +359 2937 5270, fax: +359 2937 5320). Approximately 50 hours of staff time were required for the completion of this report. END SUMMARY.

OVERVIEW

1A. Bulgaria is primarily a country of transit and origin, and to a lesser extent a country of destination for trafficking in persons. Law enforcement have recently noted an increase in the number of cases involving trafficking of Bulgarian citizens abroad. Internal trafficking exists, and like cross-border trafficking, is primarily for purposes of sexual exploitation.

Most victims trafficked from or through Bulgaria are sent to Germany, France, Italy, and other Western European countries. Bulgarian victims are also trafficked to destinations in the western Balkans - primarily for prostitution in Kosovo and Macedonia. The business of prostitution in these areas has traditionally centered around bars and nightclubs, but NGOs report that law enforcement pressure has caused a shift toward call-girl operations managed from private apartments. Because they operate away from the public eye, such prostitution networks are harder for NGOs and law enforcement to monitor and may contribute to a less clear picture of intra-Balkan trafficking networks.

The prosecution service reported that 293 women and 113

men were victims of trafficking-related crimes in 2005, along with 100 girls and 11 boys under the age of 18. The prosecution service's definition of trafficking-related crimes includes offenses such as migrant smuggling. NOTE: Post recognizes G/TIP's request for more specific data on "trafficking-related" law enforcement statistics, however due to the lack of a working relationship between the Embassy and the outgoing Chief Prosecutor and the GOB's March reporting schedule for year-end statistics, these numbers, obtained from a report published by the prosecution service, are the best available at the time of this report.

The International Organization for Migration (IOM) reported assisting 70 victims in Bulgaria in 2005, a drop from the 83 victims assisted in 2004. Of the victims assisted in 2005, 6 were foreign women trafficked to or through Bulgaria, 14 were victims of internal trafficking, and 50 were Bulgarian victims who had been trafficked or were meant to be trafficked abroad. The domestic NGO Animus Association Foundation (AAF) reported sheltering 53 trafficking victims in their crisis center during 2005, up from 48 in 2004.

The MOI's National Service for Combating Organized Crime (NSBOP) heads an Anti-Trafficking Task Force, which gathers official information from all MOI units on trafficking investigations. The Supreme Cassation Prosecution gathers information from all prosecution offices on all trafficking-related cases from their initiation through sentencing. The Ministry of Justice (MOJ) gathers information on all trafficking-related cases from courts, and coordinates its reporting with the Supreme Cassation Prosecution. The IOM maintains information on the number of trafficking victims based on

SOFIA 00000304 002 OF 007

cases it has actually assisted in its centers. NGOs (including the Nadja Centre Foundation (NCF) and AAF) also maintain information on the number of trafficking victims that they have actually assisted in their centers.

Young women aged between 18 and 24 were most vulnerable to be trafficked, according to the NSBOP, IOM and NGOs. Also, the IOM and the NCF identified those with lower education and those with problematic family relations as groups more at risk of being trafficked. Minorities, particularly Roma, were also more vulnerable to trafficking: Roma accounted for over one-third of the IOM's assisted cases in 2004, much higher than their estimated population proportion of between 6 and 7 percent. Roma children were particularly vulnerable to internal and external trafficking for purposes of begging and delinquency.

1B. Bulgarian trafficking victims tend to come from regions with high unemployment and poor economic conditions. The NCF noted higher numbers of victims originating from the southwest and the northeast of the country. The NSBOP and IOM reported that foreign victims came from Romania, Moldova, Russia, Ukraine, Armenia, Lebanon and Central Asia. The NSBOP identified Greece, Turkey, Italy, Germany, the Netherlands, Belgium, France, Spain, Austria, the Czech Republic, Poland, Macedonia and Kosovo as destinations for victims trafficked from and through Bulgaria.

Foreign victims were principally recruited through promises of work, while Bulgarian victims were most often recruited through close friends or acquaintances. Both Bulgarian and foreign victims of trafficking generally traveled using genuine rather than forged documents. This was universally true in cases involving Bulgarian citizens, who do not require visas to travel to the EU.

Political will to combat trafficking remained strong in 2005; however, formal implementation of the National Strategy for Combating Human Trafficking suffered due to the summer's general elections, which were followed by protracted coalition negotiations. After the formation of the current government, new members were appointed to the National Anti-Trafficking Commission and an Executive Secretary took charge of the commission's day-to-day

SIPDIS
operations on March 1, 2006.

¶C. Officials at high levels of government are committed to combating trafficking and implementing effective rule of law; however, the government's ability to address the problem effectively is hampered by lack of resources and corruption. There is no wide-ranging pattern of corruption related to trafficking in persons, however low salaries and lack of resources expose individual border and customs officials to bribes and threats from criminal groups involved in trafficking.

¶D. According to the Bulgarian constitution, the prosecution service and investigators are considered part of the judiciary, and are strictly independent both from the central government and from one another. In addition, former Chief Prosecutor Nikola Filchev, whose seven-year term ended in February 2006, was widely criticized by Bulgarian and foreign observers as arbitrary, ineffective, and unaccountable. These constitutional divisions and personality conflicts have hampered systematic cooperation and standardization of reporting on trafficking statistics. While individual ministries and agencies continue to report annual statistics on trafficking, it is hoped that the newly-activated Executive Secretariat of the National Anti-Trafficking Commission, in cooperation with new reformist Chief Prosecutor Boris Velchev, will succeed in harmonizing statistical collection and standardizing reporting on trafficking issues.

PREVENTION

SOFIA 00000304 003 OF 007

¶A. The GOB acknowledges that trafficking is a problem.

¶B. The Ministry of Interior (MOI), Ministry of Justice (MOJ), Ministry of Labor and Social Policy (MLSP), Ministry of Health (MOH), Ministry of Foreign Affairs (MFA), Ministry of Education, State Agency for Child Protection (SACP), Central Commission for Combating Juvenile Delinquency, Supreme Court of Cassation, Supreme Cassation Prosecution and National Investigation Service (NIS) are all involved in anti-trafficking efforts and are represented on the National Anti-Trafficking Commission.

¶C. With the support of the Government and local authorities, the IOM and the Bulgarian Red Cross have conducted a successful "Open Eyes" campaign, which aims to increase awareness of trafficking among high-risk communities. NGOs such as Face to Face Bulgaria cooperated with local educational officials to screen trafficking awareness films and distribute anti-trafficking materials. The National Border Police, with the support of DOJ, developed a short film and training module used to educate front-line officers on identification, interviewing, and assistance of trafficking victims. The Bulgarian Ministry of Foreign Affairs continued to implement a trafficking awareness program aimed at standardizing identification and referral procedures for victims of trafficking by Bulgarian consular officers posted abroad.

1D. The government, through the Ministry of Labor and Social Policy, has implemented an extensive program designed to encourage school attendance by providing hot milk and breakfast to children across the country in the first through fourth grades. Children also receive free textbooks in order to allow even the poorest children to attend. The MLSP continued to implement programs aimed at helping women develop entrepreneurial skills and become economically self-sufficient. A World Bank-financed project run by the MSLP funded social service centers at ten locations throughout the country that provided daycare and counseling services to single mothers and their children. The State Agency for Child Protection continued to implement the National Strategy for the Children of the Street. This program included putting street children in protective custody and providing them with educational and psychological support.

E/F. NGOs and international organizations such as the IOM report excellent cooperation with law enforcement colleagues and other government contacts. The government does not allocate direct funding to such groups, but works with them closely on identification, referral, and assistance to victims of trafficking. NOT FOR PUBLIC DISTRIBUTION: NGOs and government officials also cooperate to facilitate prosecution of trafficking perpetrators by providing witness protection and assistance to victims of trafficking who testify against their traffickers.

1G. Effective monitoring of immigration and emigration patterns is hampered by the fact that travel between Bulgaria and its neighbors as well as to the EU is largely visa-free. In addition, the overall number of trafficking victims is a tiny fraction of the hundreds of thousands of Bulgarian citizens working abroad legally. The National Border Police actively monitors airports and land border crossings for evidence of trafficking in persons.

H/I. The National Anti-Trafficking Commission is responsible for coordinating and monitoring all anti-trafficking activities throughout the country. The NSBOP Anti-Trafficking Task Force coordinates and monitors all operational activities related to trafficking. An inter-ministerial anti-corruption commission, established in 2002, coordinates the efforts of each government agency's internal inspectorate in fighting public corruption and also engages in public awareness campaigns.

SOFIA 00000304 004 OF 007

1J. The government's current National Strategy for Combating Human Trafficking has been in effect since February 2005. It was developed in consultation with all relevant government agencies, as well as NGOs and the IOM. The strategy has been disseminated to all relevant implementing partners. An updated strategy is expected to be released in late March 2006.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

1A. In 2002, amendments were adopted to the Criminal Code that set specific punishments for trafficking. Section 159.A of the Criminal Code corresponds to the Palermo Protocol and provides for punishments according to the Protocol. Section 159.B addresses recidivism and severe forms of trafficking and provides for punishments according to the Protocol. A 2004 amendment to the Criminal Code allowed for prosecution of intermediaries involved in baby smuggling. The Criminal Code also punishes rape, slavery, forced prostitution and

activities related to prostitution. Current Bulgarian legislation allows for the investigation and prosecution of all forms of human trafficking, not only the most severe forms mandated by the Palermo Protocol. Trafficking is among the offenses covered by the 2005 Asset Forfeiture Law, which allows for confiscation of illegally acquired property. Victims of trafficking can also sue for civil damages.

1B. All forms of human trafficking are equally penalized, regardless of the form of exploitation. The punishment for trafficking in persons may include 1 to 8 years in prison and fines up to approximately \$5,000 (8,000 leva). If aggravated circumstances exist -- e.g., a minor or kidnapping was involved -- penalties increase to 2 to 10 years in prison and fines of up to approximately \$6,250 (10,000 leva). Penalties for trafficking persons across borders increase to 3 to 10 years' imprisonment and fines of up to approximately \$9,375 (15,000 leva). If the act of trafficking in persons was carried out in connection with organized crime or constituted a serious repeat offense, penalties increase to 5 to 15 years' imprisonment with fines of up to approximately \$12,500 (20,000 leva) and the possibility of forfeiture of assets. Inducement to prostitution is punishable by up to 3 years' imprisonment, and the penalty rises to 10 to 20 years if the crime was performed by or through an organized crime group, if the victim was a minor under age 18 or legally incompetent, if two or more persons were induced into prostitution, or if the offense was repeated.

1C. Sentences for rape range between 2 and 8 years' imprisonment; sentences increase to between 3 and 10 years if the perpetrator is a repeat offender, or if the victim is underage or a descendent relative. In cases where rape results in serious bodily injury or suicide of the victim, sentences range between 10 and 20 years.

1D. Prostitution is not prohibited by law but is also not legally regulated. However, a variety of activities often associated with prostitution, such as pimping, are illegal. Penalties for related activities include up to 3 years imprisonment for pimping and up to 5 years imprisonment for operating organized prostitution establishments. Forced prostitution is illegal and is punishable by up to 6 years imprisonment for perpetrators or between 3 and 10 years imprisonment for government officials involved in the activity.

1E. (Please see paragraph A note on limited availability of statistics from prosecution service). During the first half of 2005, courts reviewed 37 trafficking cases, of which 11 received final judgments -- all of them convictions. This represents a marked increase from seven convictions in all of 2004. In addition, during the first six months of 2005, prosecutors issued 48 new indictments for trafficking against 53 individuals. Year-

SOFIA 00000304 005 OF 007

end statistics are expected in March 2006. Offenders convicted of trafficking generally served the full sentences mandated by the court.

According to the prosecution service, 3,044 investigations were initiated during the year for trafficking-related crimes, resulting in 1,709 indictments against 2,206 individuals. A total of 2,129 persons were convicted. These indictments and convictions account for all crimes related to human trafficking, including enticement into prostitution, forced prostitution and migrant smuggling.

1F. In larger cities such as Sofia, Plovdiv, Varna and Burgas, sexual exploitation tends to be controlled by organized criminal organizations while small crime groups

and freelance operators are involved in smaller cities and towns. There have been some reports of agencies offering foreign employment opportunities operating as fronts for trafficking operations; however, according to the government and NGOs, the vast majority of Bulgarian trafficking victims are recruited individually through a friend, relative, or acquaintance.

¶G. The government actively investigates trafficking cases, as reflected in statistics provided in paragraph E of this section. The Military Prosecution Service also actively investigates and prosecutes crimes perpetrated by military and law enforcement personnel, including trafficking-related offenses.

The Criminal Procedure Code provides for the use of special investigative techniques for collecting evidence in trafficking cases. The MOI reported that special investigative techniques are actively used in combating organized crime and trafficking. Permitted special techniques include surveillance, interception, tracing of persons, entry into premises, monitoring of correspondence and marking of objects. Covert operations are permitted under the revised Criminal Procedure Code passed in October 2005. The law is expected to take effect in April 2006.

¶H. As discussed in paragraph C of the prevention section, the government and its international and NGO partners provide front-line law enforcement officers with training in the identification and investigation of cases of trafficking.

¶I. The GOB actively cooperates with other governments in investigating and prosecuting cases of trafficking. During the year, there were Bulgarian liaison officers from the MOI working in Athens, Berlin, London, Madrid, Paris, Prague, Skopje, Vienna, Warsaw, at Europol in The Hague, at the SECI Center in Bucharest, and in other locations. These liaison officers actively worked on international trafficking investigations. Bulgarian law enforcement authorities continued joint investigations with French, Italian and Greek counterparts into the trafficking of Bulgarian infants to France, Italy and Greece.

¶J. In 2005, the Bulgarian Parliament adopted an amendment to the Constitution allowing the extradition of Bulgarian citizens for crimes committed abroad pursuant to international treaty. Under the terms of the Palermo Protocol, this provision applies to human trafficking as well as other crimes. Implementing legislation allowing for the extradition of Bulgarian nationals has been in force since July 2005. Third-country nationals have been extradited for trafficking offenses as well.

¶K. There is no evidence of government involvement in or tolerance of trafficking on an institutional level. However, there have been reports of low-level law enforcement officials being involved in trafficking-related corruption.

¶L. The government was unable to provide statistics on trafficking-related prosecutions and convictions of government officials by the time of this report.

SOFIA 00000304 006 OF 007

¶M. Bulgaria does not have an identified child sex tourism problem.

¶N. Bulgaria has signed and ratified the following international instruments:

- ILO Convention 182 was ratified 28 July 2000;
- ILO Convention 29 was ratified 22 September 1932;

-- ILO Convention 157 was ratified 23 March 1999;
-- UN Convention on the Rights of the Child (CRC) was signed 31 March 1990 and ratified 3 June 1991. The Optional Protocol to the CRC on Sale of Children, Child Prostitution and Child Pornography was signed 8 June 2001 and ratified 12 February 2002;
-- UN Convention Against Transnational Organized Crime and the supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children were signed 13 December 2000 and ratified 5 December 2001.

PROTECTION AND ASSISTANCE TO VICTIMS

¶A. The 2003 Anti-Trafficking Act created a special immigration status for foreign trafficking victims who choose to cooperate in trafficking investigations. The status provides for full residency and employment rights until the end of criminal proceedings. For foreign citizen victims who choose not to cooperate in trafficking investigations, the GOB provides 10 days plus one month for recovery; if at the end of the recovery period victims still choose not to cooperate in the trafficking investigation, they are transported to their country of origin. The recovery period for foreign citizen child victims, at the recommendation of the SACP, is ten days plus two months. The Anti-Trafficking Act provides for repatriated Bulgarian trafficking victims to receive the same assistance and care as foreign and Bulgarian trafficking victims identified within the country. NGOs and government agencies do not distinguish between foreign victims and Bulgarian citizens in providing assistance to trafficking victims.

Trafficking victims receive voluntary, confidential, free medical care through public hospitals and NGOs such as Medecins sans Frontieres (MSF). Psychological and psychiatric care provided to victims of trafficking by NGOs such as AAF, NCF, and MSF is rated by the IOM as among the highest-quality in Southeastern Europe.

The Government referred trafficking victims to the IOM and NGOs (primarily the NCF and AAF) for sheltering and assistance with legal and other needs.

¶B. The Government supports the IOM and NGOs in their assistance to trafficking victims. Part of this assistance includes providing facilities and police protection for IOM-operated shelters and safe houses throughout the country.

¶C. MOI law enforcement personnel routinely refer victims of trafficking to the NGO partners mentioned above. Training modules employed by government agencies emphasize sensitivity and the importance of differentiating between trafficking victims and offenders. Consular officers posted to Bulgarian embassies and law enforcement personnel received training on recognizing trafficking victims and how to refer victims to the IOM and NGOs for legal, medical and psychological assistance.

¶D. According to the IOM, victims are treated with full respect for their rights, according to international norms, and are not treated as criminals. Victims are generally not detained, fined, or prosecuted for minor offenses.

¶E. The GOB encourages victims to assist in the investigation and prosecution of trafficking cases and

SOFIA 00000304 007 OF 007

provides special status for foreign citizen victims who choose to render such assistance. A witness protection

program is available to Bulgarian citizen victims who choose to render similar assistance. All trafficking victims have the right to seek assistance from government agencies, and these agencies are obligated to assist them. Victims can also file civil suits for material and moral damages suffered.

¶F. Legislation governing the government's witness protection program was adopted in 2004, and the program's initial implementation began in 2005. Trafficking victims have been protected under this program, which offers special protection measures to witnesses, victims, defendants, suspects, convicts, and experts providing essential testimony, explanations, or information in trafficking cases, as well as their close relatives. Protective measures for witnesses range from being provided a personal guard and temporary placement in safe houses to changing residence or workplace to changing identity in extreme cases. The legislation also provides for witnesses to be transferred abroad if there are not sufficient security guarantees in country.

¶G. In association with the IOM and NGOs, the Government conducted trafficking prevention and awareness programs, including programs for law enforcement officers and consular officers posted to Bulgarian embassies abroad. These programs included segments addressing the legal provisions relating to human trafficking as operational and psychological treatment for trafficking victims.

¶H. The Government referred repatriated Bulgarian trafficking victims to the IOM and NGOs (primarily the AAF and NCF) for legal, medical and psychological assistance. The Anti-Trafficking Act provides for repatriated Bulgarian trafficking victims to receive the same assistance and care as trafficking victims identified within the country.

¶I. The IOM is the primary organization involved in addressing trafficking and assisting trafficking victims. The AAF and NCF also provide assistance to trafficking victims. All three organizations report having excellent cooperation with Government officials, on a national and local level, including support for shelters and awareness/prevention campaigns, referring victims to the organizations for assistance and providing protection and support to the organizations and their representatives.

BEYRLE